

REMARKS

The Office action examined claims 1-14, and rejected all of same. With this paper, claims 4 and 11 are changed to eliminate the use of the term "consisting of" since that term may be interpreted as excluding all that is not recited.

Rejections under 35 USC §103

At section 2 of the Office action, claims 1-3 and 8-10 are rejected under 35 USC §103 as being unpatentable over Valentine (WO 97/30556) in view of Sivula (EP 1 091 601 AA2).

Regarding claim 1 and 8, in rejecting these claims, the only two independent claims in the application, the Office action relies on Valentine at pages 10 and 11 for allegedly teaching determining the number of bits to convey extension data and defining the information to be conveyed by each bit, and for teaching inserting the extension data into a user data field in the determined number of bits. The Office action also refers to page 13 for asserting that Valentine discloses that the extension data includes information associated with displaying the message according to a predetermined format.

The idea and use of extension data of the present invention are explained in the application at pages 10 and 11 of the application in connection with figs. 2 and figs. 3A and 3B. For example, in the case of receiving an ordered sequence of frames all within a single set of 140 bytes, as shown in fig. 2, the extension data added at the end of the user data field informs the receiving terminal that what is being received is an order sequence of frames, each including possibly both a picture and associated text, and for a given SMS given picture message conveying a particular frame of the funny, the order and the sequence of the frame being conveyed by the SMS picture message. Fig. 2 shows the case where each frame (a graphic image and

corresponding text, fit into a single SMS message, and SMS extension data is used to show the order of the frame in the funny. Figs. 3A and 3B show a case where a single frame is too large to fit into a single SMS message. If a terminal not adapted according to the invention receives a message according to the invention, i.e. with the SMS extension data, it simply doesn't know how the different SMS messages it receives that in combination make up a funny are ordered. Any extension data is thus read by a non-adapted receiving terminal and displayed as user data, instead of being interpreted as information about displaying the message.

Applicant respectfully submits that at the cited location Valentine merely discloses appropriating a predetermined number of bits in a message for use in conveying a graphic image and for including information about how to display the graphic image. More specifically, as explained at page 10, beginning at line 28, Valentine discloses transporting graphic images in a binary data file, such as a GIF file, by utilizing existing character-based protocols such as USSD or MSS. The problem overcome by what is disclosed in Valentine is that at least in the case of USSD, only 7 bits of every bite of 8 bits are utilized to carry actual data, and so the bits for displaying images to a pixel screen of a certain number of pixels must be allocated only to the bits that carry data, and then extracted from all of the bits of the communicated message by the receiving terminal in order to produce a graphic image on the screen of the receiving terminal. There is simply no teaching of determining a number of bits at the end of the user data field to convey extension data, and then inserting extension data into the bits at the end of the user data field. Instead, Valentine teaches using the user data field in its entirety for transporting a graphic image. Thus, in contrast with the invention, Valentine does not provide a device by which a terminal not adapted to interpreting the extension data can still

receive and correctly interpret the nonextension portion of the message. With Valentine, it is all or nothing. With the present invention, some terminals will interpret more of the message and some terminals will interpret less of it.

The Office action also relies on Sivula for teaching in connection with this all-or-nothing aspect of the invention; the Office asserts that Sivula "teaches a method wherein the extension/graphic data includes information associated with displaying the message according to a predetermined format that is effective for mobiles adapted to interpret the extension data but does not prevent mobile terminals not so adapted from displaying the message without regard for the instructions indicated by the extension/graphic data," referring to column 3, paragraphs 10 and 11. Applicant respectfully submits that at the cited locations, Sivula teaches only that it is an object of what is disclosed there to show how a message can be adapted to the capabilities of a receiving terminal so that, even if the terminal cannot display the message fully, the message is not lost, but is adapted to the capabilities of the receiving terminal, and the user is provided with alternative means to view the content. There is, however, no teaching or suggestion of the present invention, namely the use of bits at the end of the user data field to indicate extension data usable only by some terminals. Instead, Sivula suggests--stating that the user is provided with alternative means to view the content--that the information communicated by the extension data of the present invention is somehow viewed or interpreted by all terminals, but in different ways, depending on the capabilities of the receiving terminal. Further, in the specific example given in paragraph 11, all that is taught is to provide a message that may or may not require that a special application hosted by the receiving terminal in order to process the message, and "if so, requesting an application service center to provide a service usable according to the special application, the mobile station

receiving the service in the form of a special content message from the application service center." In contrast, the present invention provides via the extension data of a message, information about how to display the message, i.e. how to display the message relative to displaying other messages related to the message via the extension data, and not an indication that a special application needs to be obtained from an application service center.

Thus, applicant respectfully submits that the teachings of Sivula and Valentine do not in combination provide the elements recited in claims 1 and 8, namely determining a number of bits at the end of the user data field to be used to convey extension data and inserting extension data into the user data field in the determined number of bits at the end of the user data field, wherein the extension data includes information indicating instructions associated with displaying the message, as opposed to being associated with instructions for obtaining a special application from an application service center.

Regarding claims 5-7 and 12-14, these claims expressly recite that the extension data is used for ordering messages in a set of messages, i.e. that a message is to be displayed in a certain order of a set of related messages, the relationship being indicated by the extension data of the invention. The Office action concedes that the teachings of Sivula and Valentine cannot be combined to teach the additional limitations on the invention recited in claims 5-7 and 12-14, and so relies also on Sim (EP 1 039 768 A2).

Applicant respectfully submits that while Sim does disclose a method for conveying a message too large to be conveyed by a single SMS message, the method disclosed there is altogether different than that of the present invention: Sim teaches an entirely new format of a message (of the same size as an SMS

message), beginning with new headers that specify the order of a message relative to other messages, whereas the present invention teaches using extension data inserted at the end of a standard SMS (or other type of) message to indicate instructions associated with displaying the message, such as the order of the message in a set of logically related messages. As a result, a terminal receiving a Sim type of message but not adapted to do so ends up not able to interpret the message at all, whereas a receiving terminal not adapted to the present invention simply ignores the extension data at the end of a normally formatted message and so just displays a message in whatever order it is received in a set of logically related messages (as recited in claim 1).

Since the teachings of Sivula and Valentine cannot be combined to provide all of the elements of the invention as claimed in claims 1 and 8, applicant respectfully requests that the rejections of claims 1 and 8 under 35 USC §103 be reconsidered and withdrawn, and also that the corresponding rejections of the claims depending from claims 1 and 8 be withdrawn on the ground that they include all of the limitations of allowable claims and taking into account the further reasons for allowing claims 5-7 and 12-14.

Conclusion

For all the foregoing reasons it is believed that all of the claims of the application are in condition for allowance and their passage to issue is earnestly solicited.

Respectfully submitted,

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Date

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